THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 16811 of 2005

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THURSDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FIVE

Between:

1 Smt.Adipudi Bhaskara Ramayamma, W/o.Late Veerashankar Rao, R/o.Pittapuram , E.G.district.
2 Adipudi Ravi Shankar, S/o.Late Veera Shankar Rao, R/o.Pittapuram , E.G.district.

..... PETITIONERS

AND

1. The Commissioner of Endowments, Endowments Department, Govt of A .P., Hyderabad.
2 The Assistant Commissioner, Endowments Department, Rajahmundry, E.G.District.
3 Sri Venugopala Swamy Temple, Kothapalli Village, Pittapuram Mandal, E.G.district, Rep by the Executive Officer/ Manager.

.....RESPONDENTS

The Court, at the stage of admission, made the following:

Oral order:-

The petitioners claim to be a cultivating tenants of the lands of the 3rd respondent-Temple. The lands were notified for auction for grant of lease for a future period and the auction is scheduled in the first week of August, 2005. The petitioners made a representation to the 3rd respondent claiming determination of their status as landless poor persons and the consequential benefits, as such, under Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act No. 30 of 1987) (for short 'the Act'). The petitioners are aggrieved that the 3rd respondent is proceeding with the auction of the temple lands without disposing of the petitioners' application for determination as a landless poor persons and the consequential benefits.

Under the Andhra Pradesh Charitable and Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 (for short, 'the Rules') issued in G.O.Ms.No. 379 Revenue (Endowments-I) Department dated 11-03-2003, the claim of a person to being a landless poor person is required to be determined by the competent authority, which in the instant case is the Assistant Commissioner concerned, that is, the 2nd respondent. However, the petitioners made a representation to the 2nd respondent with a copy marked to the Manager of the 3rd respondent.

In the circumstances, the writ petition is disposed of directing the 2nd respondent, to dispose of the representation of the

petitioners, expeditiously determining whether the petitioners are, in fact, lawful tenants of the respondent-Temple; and if so, whether they are landless poor persons and, therefore, entitled to the benefits under Section 82 of the Act. Any action taken, pursuant to the auction of the 3rd respondent-Temple lands for grant of a future lease, shall be subject to the determination to be made by the 2nd respondent on the petitioners' representation above.

The writ petition is, accordingly, disposed of. No costs.

GODA RAGHURAM, J

Dt.04-08-2005

Pvks/*